

# **EXHIBIT D**

**From:** Oberbillig, Mike  
**Sent:** Tuesday, January 30, 2007 5:40:23 PM  
**To:** Werner, Bruce  
**Subject:** FW: Dish Network Auto Dialer calls [Indiana AG]

-----Original Message-----

From: Ahmed, Amir  
Sent: Monday, September 26, 2005 4:21 PM  
To: Novak, Scott; Oberbillig, Mike; Mills, Mike  
Cc: Keller, Steven; Miller, Kerry; Steele, Dana; Gowland, Jim  
Subject: RE: Dish Network Auto Dialer calls [Indiana AG]

Scott,

I prefer to put them on 30 or 60 day probation where if these tactics happen again it would be grounds for termination. So with that said, how does the letter get written up?

Amir

-----Original Message-----

From: Novak, Scott  
Sent: Monday, September 26, 2005 1:24 PM  
To: Ahmed, Amir; Oberbillig, Mike; Mills, Mike  
Cc: Keller, Steven; Miller, Kerry; Steele, Dana; Gowland, Jim  
Subject: RE: Dish Network Auto Dialer calls [Indiana AG]

We know that SSN is using autodialers and automessages. Terachi been warned time and again (by me, by you, by the region, by phone, in writing, in person) that these activities could violate the law. Last time, Teranchi blamed a "rogue employee," who he claimed was terminated, but the activities continue. Charter knows he's doing it, and several state AG's know he's doing it as well.

In the past, we have successfully resisted the argument that we are responsible for the conduct of independent retailers, however, SSN is a problem because we know what he is doing and have cautioned him to stop. There is risk in continuing to give warnings without a follow-through action. Eventually, someone will try to use that against us.

On the range of options, you could give him another written warning, you could put him on probation for a period of time, you could put him on hold and withhold money (presumably to cover "potential fines" running from SSN to us under some agency theory), or you could terminate him now.

I favor probation, provided that there is unanimous understanding that if EchoStar becomes aware of ANY ONE addition violation, he's terminated.

Scott Novak  
Corporate Counsel  
(303) 723-1616  
(303) 723-3606 (fax)

Attorney Client Privileged and Confidential

-----Original Message-----

From: Ahmed, Amir  
Sent: Monday, September 26, 2005 11:43 AM  
To: Oberbillig, Mike; Mills, Mike  
Cc: Keller, Steven; Novak, Scott; Miller, Kerry  
Subject: RE: Dish Network Auto Dialer calls [Indiana AG]

Scott, FYI

-----Original Message-----

From: Oberbillig, Mike  
Sent: Monday, September 26, 2005 11:08 AM  
To: Ahmed, Amir; Mills, Mike  
Cc: Keller, Steven  
Subject: RE: Dish Network Auto Dialer calls [Indiana AG]

We have addressed this with him many times, as recent as last week in person/LA. We stressed that he must follow the line if he wants continued support etc.

MJO

-----Original Message-----

From: Ahmed, Amir  
Sent: Monday, September 26, 2005 10:00 AM  
To: Mills, Mike; Oberbillig, Mike  
Subject: RE: Dish Network Auto Dialer calls [Indiana AG]

Ok, apparently we could not convince Alex. Oberbillig, I'm so tired of this bullshit. I will deal with Novak and let legal handle it.

-----Original Message-----

From: Mills, Mike  
Sent: Monday, September 26, 2005 10:57 AM  
To: Ahmed, Amir; Oberbillig, Mike  
Subject: RE: Dish Network Auto Dialer calls [Indiana AG]

Yes - it is Satellite Systems.

Mike Mills  
National Sales Manager  
303.723.2865

-----Original Message-----

From: Ahmed, Amir  
Sent: Monday, September 26, 2005 10:53 AM  
To: Oberbillig, Mike; Mills, Mike  
Subject: FW: Dish Network Auto Dialer calls [Indiana AG]

Please call this number 866-211-5897 and find out if this is a OE retailer -----Original Message-----

From: Novak, Scott  
Sent: Monday, September 26, 2005 10:51 AM  
To: Ahmed, Amir  
Cc: Miller, Kerry  
Subject: FW: Dish Network Auto Dialer calls [Indiana AG]

Amir, this may be Alex Teranchi and Satellite Systems Networks again. They used "Satellite Promotions" and I recall them hosting a call center in Wyoming previously.

I'll let you know when we know for certain, but if it is SSN again, they are becoming a problem. You'll recall Charter got an injunction against SSN about six weeks ago.

Attorney Client Privileged and Confidential

-----Original Message-----

From: Sweeney, Marguerite [mailto:MSWEENEY@atg.state.in.us]  
Sent: Monday, September 26, 2005 8:40 AM

HIGHLY CONFIDENTIAL

DISH9-0005568

To: Novak, Scott; Conley, Amy  
Cc: Hewitt, George  
Subject: RE: Dish Network Auto Dialer calls

Scott & Amy,

We received a similar complaint from a consumer who provided this number: 866-211-5897. I called it and they answer "Satellite Promotions". They claimed to be in Wyoming. This consumer's complaint did not specifically mention Dish Network. The consumer's caller-ID showed the same Montreal number 514-598-0000.

—Original Message—

From: Novak, Scott [mailto:Scott.Novak@echostar.com]  
Sent: Friday, September 23, 2005 4:14 PM  
To: Sweeney, Marguerite; Conley, Amy  
Cc: Hewitt, George  
Subject: RE: Dish Network Auto Dialer calls

Marguerite, this sounds like some rogue outfit masquerading as us. We will verify again that we don't use "push 1 to speak to someone live" outbound marketing. To my knowledge we never have used that methodology.

We'd like to help figure out who this is. If your colleague can provide any additional information, we'd like to get it.

Thanks.

Scott Novak  
Corporate Counsel  
(303) 723-1616  
(303) 723-3606 (fax)

Attorney Client Privileged and Confidential

—Original Message—

From: Sweeney, Marguerite [mailto:MSWEENEY@atg.state.in.us]  
Sent: Friday, September 23, 2005 1:44 PM  
To: Conley, Amy; Novak, Scott  
Cc: Hewitt, George  
Subject: Dish Network Auto Dialer calls

Scott and Amy:

One of my co-workers writes:

I just received [an autodialer call] at the house, and pressed "1" to speak with a representative, who confirmed that Dish Network to be the caller rather than an independent dealer. After a short discussion, I asked to speak to a manager, who also confirmed Dish Network as the caller, indicating that they worked in conjunction with several telephone companies and called only unlisted numbers and those who weren't on "no call" lists. I explained that the issue wasn't a DNC issue, but rather an autodialer issue, as autodialers are illegal in Indiana. The supervisor enlightened me by informing me that Dish Network had special permission to make the calls, that it was all approved by their legal department, and that it wasn't just Indiana that was being called, but 400,000 people all around the country, and Dish Network's legal department wouldn't let them do it if it weren't ok.

Does this sound like an actual Dish Network telemarketing campaign? The number was not on the Indiana do-not-call list.

Marguerite M. Sweeney  
Chief Counsel - Telephone Privacy Enforcement  
Office of the Attorney General  
302 W. Washington St., 5th Floor  
Indiana Government Center South

Indianapolis, IN 46204  
Telephone 317.232.1011  
Facsimile 317.232.7979 \_

HIGHLY CONFIDENTIAL

DISH9-0005570

# **EXHIBIT E**

**From:** Berridge, Kimberly </O=ECHOSTAR COMMUNICATIONS  
CORP/OU=ECHOSTAR/CN=RECIPIENTS/CN=KIMBERLY.BERRIDGE>  
**Sent:** Thursday, August 18, 2011 1:52 PM  
**To:** Kitei, Brett <Brett.Kitei@dishnetwork.com>  
**Subject:** RE: Important! New Document Uploaded to CSC Matter Management

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It is a TCPA frequent flyer wanting money. He got a call from Satellite Systems Network he alleges is a violation. I will draft our standard go after SSN letter for you to review.

Kimberly Berridge  
Litigation Paralegal  
Direct Phone: (303) 723-2171  
Direct Fax: (720) 514-6351

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**From:** Kitei, Brett  
**Sent:** Thursday, August 18, 2011 11:51 AM  
**To:** Berridge, Kimberly  
**Subject:** FW: Important! New Document Uploaded to CSC Matter Management

Can you see what this is about?

**Brett J. Kitei**  
Corporate Counsel | DISH Network L.L.C.  
(303) 723-2290 [p] | (720) 514-8479 [f] | [brett.kitei@dishnetwork.com](mailto:brett.kitei@dishnetwork.com)

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**From:** CSCMatterManagement@cscinfo.com [mailto:CSCMatterManagement@cscinfo.com]  
**Sent:** Thursday, August 18, 2011 11:49 AM  
**To:** Conley, Amy; Berridge, Kimberly; Blum, Jeffrey; Kitei, Brett; Gorsuch, Elena; Katzin, Lawrence; Parisi, Paul  
**Subject:** Important! New Document Uploaded to CSC Matter Management

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### New Document Added to Matter Notification.

*This message is an alert only. Please do not reply to this message.  
The following new Document(s) have been added to the following matter.*

Alert Date: 08/18/2011

### **Assigned Document(s):**

<b>Document ID:</b>	9438166 (View/Share the Document)
<b>Document Title :</b>	Letter re TCPA Violations
<b>Document Description :</b>	
<b>Answer Date :</b>	08/31/2011



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Krakauer-DOJ-00235755

DISH9-0001824

Produced Over Defendant's Privilege Designation Consistent With Court Order

**Entity as Established :** Dish Network L.L.C.  
**Date Served :** 08/17/2011  
**CSC Doc type :** Letter re TCPA Violations  
**Court :**  
**State Served :** Utah  
**Privileged :**  
**Document is Time Sensitive :**  
**Document is Service Of Process :** Yes  
**Assigned By :**  
**Author :**  
**Original File Name :**  
**Pages :**  
**Version Number :**

**Matter Information:**

3034276

**Matter ID:** 3034276 (Go to Matter Detail Folders)

**Matter Id :**

**Matter Full Name :**

Jeffrey J. Mitchell vs. Dish Network, LLC

**Matter Type :**

**Matter Description :**

**Jurisdiction :**

Utah

**Court :**

**Cause # :**

Not shown

**Matter Users:**

Amy Conley amy.conley@dishnetwork.com

Brett Kitei brett.kitei@DISHNETWORK.com

Elena Gorsuch elena.gorsuch@dishnetwork.com

Jeffrey Blum jeffrey.blum@dishnetwork.com

Kimberly Berridge kimberly.berridge@dishnetwork.com

Lawrence Katzin lawrence.katzin@dishnetwork.com

Paul Parisi paul.pari@dishnetwork.com

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2711 Centerville Road Wilmington, DE 19808  
(800) 490-9035 | [MMSupport@cscinfo.com](mailto:MMSupport@cscinfo.com)